

REMARKS

This Amendment is responsive to the Office Action dated April 21, 2004. Claims 1-14, 37-43 and 54 were pending in the application. In the Office Action, claims 1-14, 37-43 and 54 were rejected. In this Amendment, claims 1, 13, 37, 42 and 54 have been amended. Claims 1-14, 37-43 and 54 thus remain for consideration.

Applicant submits that claims 1-14, 37-43 and 54 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§102 and §103 Rejections

Claims 1-5, 10, 13, 14, 37-39, 42, 43 and 54 were rejected under 35 U.S.C. §102(e) as being anticipated by Yamagami (U.S. Application 2002/0033888 A1).

Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamagami.

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Yamagami in view of Spitzer et al. (U.S. Application 2001/0012067).

Claims 11, 12, 40 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yamagami in view of Hong (U.S. Patent No. 5,257,142).

Applicant respectfully submits that the independent claims (claims 1, 13, 37, 42 and 54) are patentable over Yamagami, Spitzer and Hong.

Applicant's invention as recited in the independent claims is directed toward a recording/reproducing apparatus and a recording/reproducing method. Each of the claims recites a recording/reproducing apparatus that incorporates an image pickup means. Each of the claims further recites that the recording/reproducing apparatus controls the data transfer between first

and second recording mediums. For example, claim 1 recites in pertinent part: “control means for controlling recording/reproducing and data transfer between said first and second recording mediums while connected to the recording/reproducing apparatus incorporating said image pickup means.” (Emphasis ours.)

In Yamagami, a device that does not include an image pickup means (i.e., a computer) performs data transfer, whereas in the present invention a recording/reproducing apparatus incorporating an image pickup means performs data transfer. In the Office Action, at page 3, lines 12-14, the Examiner states that “the two detachable recording media 108 and 118 of Yamagami can be concurrently connected to the recording/reproducing apparatus (the host computer 115).” However, the Examiner is wrongfully analogizing the host computer of Yamagami to the instantly claimed recording/reproducing apparatus. The recording/reproducing apparatus of the present invention includes an image pickup means and is therefore not analogous to the computer of Yamagami. Indeed, Yamagami’s Fig.1 shows the optical system input section 101 (image pickup means) as an element separate and distinct from the host computer 115. Therefore, Yamagami does not disclose a recording/reproducing apparatus that incorporates an image pickup means as instantly claimed.

Since Yamagami, Spitzer and Hong do not disclose a recording/reproducing apparatus that controls the data transfer between first and second recording mediums, and incorporates an image pickup means, Applicant believes that claims 1, 13, 37, 42 and 54 are patentable over Yamagami, Spitzer and Hong – taken either alone or in combination -- on at least this basis.

Claims 2-12 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-12 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claim 14 depends on claim 13. Since claim 13 is believed to be patentable over the cited references, claim 14 is believed to be patentable over the cited references on the basis of its dependency on claim 13.

Claims 38-41 depend on claim 37. Since claim 37 is believed to be patentable over the cited references, claims 38-41 are believed to be patentable over the cited references on the basis of their dependency on claim 37.

Claim 43 depends on claim 42. Since claim 42 is believed to be patentable over the cited references, claim 43 is believed to be patentable over the cited references on the basis of its dependency on claim 42.

Applicant submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the

Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.


If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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